

### **REMARKS**

The final Office Action dated October 4, 2004 and the Advisory Action dated December 28, 2004, have been received and carefully noted. This is a second Supplemental Response to the first Supplemental Response filed in response to the Office Action dated October 4, 2004 and included with a Request for Continued Examination (RCE); the first Supplemental Response and RCE filed on January 13, 2005.

The above amendments to claims 1, 19, 20, and 23 and the following remarks are submitted as a full and complete response thereto. Applicants respectfully note that no new matter has been entered through the above amendments. Claims 1, 19, 20, and 23 have been amended to more particularly point out and distinctly claim the subject matter of the invention. Support for the changes to claims 1, 19, 20, and 23 may be found, for instance, in the present application at page 9, lines 1-13.

Claims 1-24 are pending in the above-cited application and are respectfully submitted for consideration.

### **REJECTION UNDER 35 U.S.C. § 103:**

*Claims 1-24 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,381,316 to Joyce et al. ("Joyce") and U.S. Patent No. 6,266,401 to Marchbanks et al. ("Marchbanks"). The Office Action and Advisory Action took the position that Joyce and Marchbanks disclose all the recitations of claims 1-24. The rejection is traversed and reconsideration is requested.*

Independent 1, upon which claims 2-18 and 21-22 depend, recites a method for controlling service provision for customer terminals, used by customers for receiving

services, in a telecommunications network including at least one server for offering services to the customers, and control means for controlling the provision of services to customers. The method includes continuously providing a service by transmitting information to the customer terminal, receiving information about service-specific payments in the control means from the customer terminal during delivery of the service, informing the control means of the current price of the service, and maintaining at least one control parameter value is dependent at least on a difference of accumulated charges for the service and accumulated sum of service-specific payments. The service is unpaid for when the accumulated charges are larger than the accumulated sum of the service-specific payments. The method also includes comparing the value of at least one of said at least one control parameter to a first threshold, the first threshold defining an amount of unpaid service that a customer receives, and stopping the continuous provision of the service when the value of the control parameter has reached the first threshold.

Claim 19 recites a method for controlling service provision for customer terminals, used by customers for receiving services, in a telecommunications network including at least one server for offering services to the customers, and control means for controlling the provision of services to customers. The method includes continuously providing a service by transmitting a plurality of information flows to the customer terminal, receiving information about information-flow-specific payments in the control means from the customer terminal during delivery of the service, informing the control means of the current price of the information flows, and maintaining for each information flow at

least one control parameter whose value is dependent at least on a difference of accumulated charges for the information flow and accumulated sum of information-flow-specific payments. An information flow is unpaid for when the accumulated charges for the information flow are larger than the accumulated sum of information-flow-specific payments. The method also includes comparing, for each information flow, the value of at least one of said at least one control parameter to an information-flow-specific threshold, the information-flow-specific threshold defining an amount of unpaid information-flow-specific that a customer receives, and stopping said plurality of information flows if the control parameter value of at least one of the information flows reaches the threshold corresponding to it.

Claim 20 recites a method for controlling service provision for customer terminals, used by customers for receiving services, in a telecommunications network including at least one server for offering services to the customers, and control means for controlling the provision of services to customers. The method includes continuously providing a service by transmitting a plurality of information flows to the customer terminal, receiving information about information-flow-specific payments in the control means from the customer terminal during delivery of the service, informing the control means of the current price of the information flows, and maintaining for each information flow at least one control parameter whose value is dependent at least on a difference of accumulated charges for the information flow and accumulated sum of information-flow-specific payments. An information flow is unpaid for when the accumulated charges for

the information flow are larger than the accumulated sum of information-flow-specific payments. The method also includes comparing, for each information flow, the value of at least one of said at least one control parameter to an information-flow-specific threshold, the information-flow-specific threshold defining an amount of unpaid information-flow-specific that a customer receives, and stopping only a single information flow when the control parameter value of said information flow reaches the corresponding threshold.

Claim 23 recites a system system for controlling service provision to customer terminals, used by customers for receiving services, in a telecommunications network including at least one server for offering services to the customer, and control means for controlling the provision of the service to a customer. The system includes first means for continuously providing services by transmitting information to customer terminals, second means for receiving information about service-specific payments from customer terminals during delivery of services in the control means, and third means for informing the control means of the current price of the service. The control means includes first control means for maintaining for the service at least one control parameter whose value is dependent at least on a difference of accumulated charges for the service and accumulated sum of service-specific payments, the service being unpaid for when the accumulated charges are larger than the accumulated sum of service-specific payments, comparison means for comparing the value of a control parameter to a first predetermined threshold value, the first threshold defining an amount of unpaid service

that the customer receives, and second control means for stopping the continuous provision of the service when the value of the control parameter has reached the first threshold.

As will be discussed below, the cited prior art references of Joyce and Marchbanks fail to disclose or suggest the elements of any of the presently pending claims.

Joyce generally describes a system able to inform a customer of his/her maximum allowable calling time, connect the call, and to inform a customer when a minimum threshold approaches. See column 13, lines 8-11. The Switch Manager.TM. 27 ... transmits the following exemplary information back to the callers/subscribers or performs the following functions: ... a call cut-off warning when a customer's account balance is approaching zero or its limit. See column 14, lines 1-30. If the balance is exhausted during the call, the CallManager.TM. 102 sends a termination message to the remote access server 202, which so notifies the user and terminates the connection. See column 21, lines 50-53.

The Office Action correctly recognized that Joyce fails to teach or suggest, “maintaining at least one control parameter value is dependent at least on a difference of accumulated charges for the service and accumulated sum of service-specific payments,” as recited in independent claim 1. In addition, Applicants respectfully assert that Joyce is also silent in teaching or suggesting, “the service being unpaid for when the accumulated charges are larger than the accumulated sum of the service-specific payments,” as recited

in independent claim 1. Accordingly, the Office Action relied on Marchbanks as teaching such recitations.

Marchbanks generally describes an itemization report formatter module 310 provides for the creation of an itemization of charges report. See column 8, lines 49-60. FIGS. 16E-16G illustrate an itemized listing of charges associated with a number of paging units presented on a single composite customer invoice. The charge text description lines in the voucher view for the date and the charge description fields are moved to the invoice report record by the itemization report formatter module 310. However, nothing in Marchbanks provides for a control parameter being dependent on “at least on a difference of accumulated charges for the service and accumulated sum of service-specific payments,” as recited in independent claim 1. Marchbanks limits its description to providing an itemization report. There is no determination in Marchbanks and, as correctly recognized in the Office Action, in Joyce of maintaining a control parameter based on such difference of accumulated charges for the service and accumulated sum.

In addition, Marchbanks describes in column 8, lines 41-47, and FIG. 16E a summary of discounts presented on a customer invoice. However, Marchbanks does not teach or suggest a control parameter that is dependent on the accumulated sum of service-specific payments. Marchbanks does not provide for the dependency of a control parameter as in independent claim 1, rather, the reference provides an invoice. Also, Marchbanks does not provide a parameter dependent on accumulated sum of service-

specific payments. A discount or credit for credit card promotions is not payments. In particular, they are not service-specific payments as in the present invention.

Specifically, Marchbanks provides a system where an invoice is generated itemizing charges for services provided. Also, FIGS. 16E-16G illustrate an itemized listing of charges associated with a number of paging units presented on a single composite customer invoice. See column 8, lines 49-60. The charge text description lines in the voucher view for the data and the charge description fields are moved to the invoice report record by the itemization report formatter module 130. However, Marchbanks does not teach or suggest, that the listing of the charges includes the control parameter of independent claim 1 and does not teach or suggest providing in the data or the charge description fields, “the service being unpaid for when the accumulated charges are larger than the accumulated sum of the service-specific payments,” as recited in independent claim 1.

Marchbanks does not teach or suggest that a control parameter may be compared to a first threshold and used to stop the provision of a service “the first threshold defining an amount of unpaid service that a customer receives,” as recited in independent claim 1. Applicants respectfully assert that listing different services or providing an itemization report alone does not teach or suggest, “at least one control parameter whose value is dependent ... on a difference of accumulated charges for the service and accumulated sum of service-specific payments, the service being unpaid for when the accumulated charges are larger than the accumulated sum of the service-specific payments,” and “the

first threshold defining an amount of unpaid service that a customer receives,” as recited in independent claim 1. Further, nothing in Marchbanks teaches or suggests that such itemization report is compared to a first threshold and that the provisions of services are stopped when the value of the itemization report has reached the first threshold.

A CPE view is also included in Marchbanks as part of the itemization report formatter module 310 to enable the module 310 to process customer premise equipment information. See column 8, lines 61-67. In particular, the itemization report formatter module 310 differentiates between non-pager related CPE equipment records and company pager equipment records. This level of differentiation is required in order to include the appropriate text description on the customer invoice report.

Once again, Marchbanks is concerned as to generating an invoice report, but fails to teach or suggests, “maintaining at least one control parameter whose value is dependent at least on a difference of accumulated charges for the service and accumulated sum of service-specific payments,” as recited in independent claim 1.

Thus, Marchbanks generally describes how to process usage information off-line, after the service has been delivered, simply for formatting invoices. The descriptions provided in Marchbanks cannot be considered relevant to control delivery of a service. More specifically, Marchbanks cannot be considered to provide any teaching or suggestion of a control parameter for controlling delivery of a service.

In view of the foregoing, Marchbanks does not correct for the deficiencies of Joyce. A combination of Joyce and Marchbanks would fail to teach or suggest,



“maintaining at least one control parameter value is dependent at least on a difference of accumulated charges for the service and accumulated sum of service-specific payments, the service being unpaid for when the accumulated charges are larger than the accumulated sum of the service-specific payments, comparing the value of at least one of said at least one control parameter to a first threshold, the first threshold defining an amount of unpaid service that a customer receives,” as recited in independent claim 1.

Because independent claims 19, 20, and 23 include similar claim features as those recited in independent claim 1, although of different scope, and because the Office Action refers to similar portions of the cited references to reject independent claims 19, 20, and 23, the arguments presented above supporting the patentability of independent claim 1 are incorporated herein to support the patentability of independent claims 19, 20, and 23.

In view of the foregoing, it is respectfully requested that independent claims 1, 19, 20, and 23 and related dependent claims be allowed.

**CONCLUSION:**

In view of the above, applicant respectfully submits that the claimed invention recites subject matter which is neither disclosed nor suggested in the cited references. Applicants further submit that the subject matter is more than sufficient to render the claimed invention unobvious to a person of skill in the art. Applicants therefore

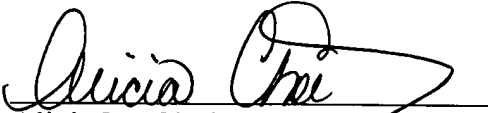
respectfully request that each of claims 1-24 be found allowable and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time.

Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

  
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